

that in the month of November in the year Eighteen hundred and forty three, David Heller of said County departed this life intestate, seised and possessed of the following real estate, viz: of a tract or parcel of land conveyed to him by Jacob Ringer, a full and particular description of which will be found by reference to said deed, a true and Certified Copy whereof is filed herewith as Exhibit A. which with all other Exhibits, your Orators pray may be taken as a part of this their bill of Complaint, as if here inserted in words and figures: also a piece or parcel of land conveyed to said David Heller by Andrew Gray and wife; also a tract or parcel of land conveyed to said David Heller by Samuel Jones and wife; also a house and lot of ground in Middletown in said County, conveyed to said David Heller by George Hyatt and wife; and also a piece or parcel of land conveyed to said David Heller by John Dufford Junr, and for a full and particular description of the heretofore recited pieces, tracts and parcels of land, reference is hereby made to said deeds of conveyance, true and Certified Copies whereof are filed herewith marked respectively Exhibits B. C. D. and E.

Your Orators further state that said David Heller died intestate leaving the following named widow, children and grand children as his only heirs at law, viz: Your Orators William Heller, Henry Heller, Daniel Heller, Isaac Heller, sons of said intestate, and your Orators Mary Rungel, Catharine Alexander, Lydia Heller, Malinda Heller, Elizabeth Heller daughters of said intestate. Also your Orator Sarah Heller a grand child of said intestate and the only child and heir at law of his deceased son John Heller who died before his said father, and your Orator Thomas C. Heller, and Amanda C. Heller, Mary J. Heller and Charlotte R. Heller grand children of said David Heller and the only children and heirs at law of his deceased son Jonathan Heller who died before his said father, and your Orator Anna Heller, the widow of said intestate, who is now about the age of sixty five years. - that said widow, and the whole of said heirs at law reside in said District County and they are all adults, except said Amanda C. Heller, Mary J. Heller and Charlotte R. Heller, who are infants under the age of twenty one years. Your Orators and Oratrices further state that said real estate descended to said heirs at law of David Heller - that the same cannot be divided among said parties without great injury and loss - and that the interest of all the said parties, infants as well as adults, requires that said real estate shall be sold and the proceeds of sale distributed, under the direction of your Honor, among all the parties entitled to the same according to their several rights and interests. - And your Orators and Oratrices hereby expressly waived all and every right of partition and election given by the laws and acts of Assembly of this State.

In tender consideration whereof and for that your Orators and Oratrices are remedied in the premises by the strict rules of the Common law and relieved only in a Court of Equity, where matters of this nature are properly cognizable - to the end therefore that the said Amanda C. Heller, Mary J. Heller and Charlotte R. Heller, may answer the matters and things aforesaid, as fully as if the same were herein again repeated and they thereunto particularly interrogated, and that said real estate may be sold and the proceeds of sale distributed under the direction of your Honor among the parties entitled to the same and that your Orators and Oratrices may have all such other and further relief in the premises as the nature of the case may require and to your Honor shall seem meet;

May it please your Honor to grant unto your Orators and Oratrices the State of Maryland's writ of subpoena to be directed to the said Amanda C. Heller, Mary J. Heller and Charlotte R. Heller all of Frederick County, commanding them and each of them to be and appear before your Honor in your Honorable Court, on a certain day therein to be named, to answer all and singular the premises and to stand to, abide by

Exhibit A.